UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,345	12/10/2001	Christopher J. Stone	GIC-656	6495

20028 7590 09/05/2006

Lipsitz & McAllister, LLC
755 MAIN STREET
MONROE, CT 06468

EXAMINER	
LU, SHIRLEY	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,345	STONE, CHRISTOPHER J.	
	Examiner	Art Unit	
	Shirley Lu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-25,28-47,50,51 and 54-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-25,28-47,50,51 and 54-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

a. Applicant argues on page 16, that Ching does not disclose applicant's newly amended limitations of two distinct screens.

Note rejection below.

b. Applicant argues on page 16, that Ching does not disclose "communicating a tune command to said television appliance from said internet appliance."

Note rejection below.

c. Applicant argues on page 17, that Allport does not disclose "providing channel map information from a television appliance to an internet appliance."

Note rejection below. Also, in Allport (fig. 1, el. 10; col. 9, lines 20-65; col. 12, lines 9-43), the embedded data includes data, which directs the user to an associated web site is effectively directing the user to a 'channel.' The VBI embedded data is related to the program being broadcast, and hence, the information in the embedded data is 'mapped' to the program on the channel.

d. Applicant argues on page 18, that Ching does not disclose, "displaying interactive web pages in response to tuning to a particular channel."

As to claims 17 and 39, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 'in response to tuning...' are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to claim 61, Ching discloses, interactive web pages which relate to said advertised program are displayed on said display in response to tuning said television appliance to said channel (In response to tuning said TV, web pages are displayed; user goes between viewing a tuned channel and view web content. [0127-0129]).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Amended claim 1 recites "a television appliance having a first screen...internet appliance having a second screen." Applicant further recites "displaying...on said first screen on said internet appliance" in claims 1 and 17. For the purposes of this office action, "displaying...on said first screen on said internet appliance" will be construed as displaying on a screen.

Claim 63 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; the claim is unclear and recites the limitation "an internet appliance and system in accordance with claim 62.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim(s) 1-3, 7, 10-17, 21-25, 29, 32-39, 43-44, 67-70 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184) in view of Naiff (5982363).

Claims 1-3, 7, 10-17, 21-22, 67-68 correspond to claims 23-25, 29, 32-39, 43-44, 69, 70.

As to claim 23,

Ching discloses:

A system for enabling a television appliance (fig. 10C, el. 212) that includes a first screen to be tuned using an internet appliance (fig. 10C, el. 210) that comprising: a first network (fig. 10, el. 230, 220, 210) for providing a program advertisement to said internet appliance (fig. 10C, el. 230; [0129]); and

a second network (fig. 10, el. 230, 220, 210, 260) for providing channel map information to said internet appliance which identifies a channel for a program advertised in said

program advertisement (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0129]);

said advertised program is selected via interaction with said program advertisement; a tune command is communicated to said television appliance from said internet appliance in response to said interaction; said television appliance tunes to said channel in response to said tune command; either said television appliance or said internet appliance performs a first action in response to tuning to said channel (TV tunes to show [0129-0130]).

Ching does not specifically disclose an Internet appliance having a second screen; said program advertisement is displayed on said second screen on said internet appliance.

Naiff discloses an Internet appliance having a second screen ([0045]); said program advertisement is displayed on said second screen on said internet appliance ([2, 30-60]; [3, 30-46];[1, 5-30]).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach an Internet appliance having a second screen; said program advertisement is displayed on said second screen on said internet appliance, as taught by Naiff, so as to allow the user to have more versatility of having an internet device that can be also used as a PC.

As to claim 24, Ching discloses:

said internet appliance creates said tune command for said advertised program based on said channel map information (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0129]).

As to claim 25, Ching discloses:

said television appliance comprises a television (fig. 10C, el. 212; [0129]).

As to claim 29, Ching discloses:

said first network comprises an external communication network (fig. 10, el. 230, 220, 210); and said second network (fig. 10, el. 230, 220, 210, 260) comprises a system operator network (fig. 10C; [0129]).

As to claim 32, Ching discloses:

said advertisement comprises a hypertext markup language (HTML) link ([0047-0050]; [0134]).

As to claim 33, Ching discloses:

said HTML link includes a channel identifier from said channel map corresponding to the program identified in said advertisement ([0128-0129]; [0047-0050]).

As to claim 34, Ching discloses:

said tune command comprises said channel identifier ([0128-0129]; [0047-0050]).

As to claim 35, Ching discloses:

said advertisement is provided to said internet appliance via the use of an internet protocol datagram ([0047-0050]; [0134]).

As to claim 36, Ching discloses:

said datagram is constructed using hyper text transfer protocol (HTTP) ([0047-0050]; [0134]).

As to claim 37,

Ching discloses:

said advertisement appears as a pop-up advertisement (fig. 10A-C; [0127]).

Naiff discloses an Internet appliance having a second screen ([2, 30-60]; [3, 30-46];[1, 5-30]; [0045]).

As to claim 38,

Ching discloses:

said advertisement is targeted for display on a specific location ([0127-0128-0129]).

Naiff discloses an Internet appliance having a second screen ([2, 30-60]; [3, 30-46];[1, 5-30]; [0045]).

As to claim 39,

Ching discloses:

The action comprises interactive web pages being displayed which relate to said advertised program ([0127-0129]).

Naiff discloses an Internet appliance having a second screen ([2, 30-60]; [3, 30-46];[1, 5-30]; [0045]).

As to claim 61, Ching discloses:

interactive web pages which relate to said advertised program are displayed on said display in response to tuning said television appliance to said channel ([0127-0129]).

As to claim 43, Ching discloses:

said internet appliance comprises one of a wireless web pad, a personal computer, or a web-enabled personal digital assistant [0131].

As to claim 44, Ching discloses:

the program advertisement comprises a targeted advertisement directed to one of a specific viewer or group of viewers (demographics [0129]).

As to claim 45, Ching discloses:

An internet appliance for tuning a television appliance, comprising: a first network interface (fig. 10, el. 230, 220, 210) for receiving a program advertisement via a first network (fig. 10C, el. 230, 210; [0129]);

a second network interface (fig. 10, el. 230, 220, 210, 260) for receiving channel map information via a second network, which channel map information identifies a channel for a program advertised in said program advertisement (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0128-0129]);

a display for displaying said program advertisement; a user interface for selecting said advertised program via interaction with said program advertisement (user clicks advertisement, TV tunes to show [0129]); and

a processor for generating a tune command for said selected advertised program (fig. 10C, el. 210; [0129]);

wherein said tune command is communicated to said television appliance from said internet appliance to cause said television appliance to tune to said channel (user clicks advertisement, TV tunes to show [0129]).

As to claim 46, Ching discloses:

said processor creates said tune command for said advertised program based on said channel map information (user clicks advertisement, TV tunes to show [0129]).

As to claim 69, Ching discloses:

The first action is displaying video content associated with said channel on said first screen on said television appliance ([0127-0129]).

As to claim 70, Ching discloses:

Performing a second action in response to tuning to said channel wherein the second action is displaying video content associated with said channel on said first screen on said television appliance ([0127-0129]).

2. Claim(s) 6, 28 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Naiff (5982363), and in further view of Allport (6567984).

As to claims 6, 28,

Ching in view of Naiff fails to specifically teach the channel map information is provided from the television appliance to the internet appliance.

In an analogous art, Allport discloses an internet appliance (fig. 1, el. 10; col. 9, lines 20-65), wherein embedded data such as channel map information is provided from the television appliance to the internet appliance (col. 12, lines 9-43).

It would have been obvious to one of ordinary skill in the art to modify Ching's in view of Naiff system to teach channel map information being provided from the television appliance to the internet appliance, as taught by Allport, for applications where embedded data is to be separated from the signal.

3. Claim(s) 8-9, 30-31 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Naiff (5982363), and in further view of Wang (20050267994).

As to claims 8, 30,52,

Ching discloses using a television-based access device such as WebTV.

Ching in view of Naiff fails to specifically teach said television appliance is associated with a cable modem.

In an analogous art, Wong discloses a WebTV-based system, wherein said television appliance is associated with a cable modem ([0011]).

It would have been obvious to one of ordinary skill in the art to modify the Ching in view of Naiff system to teach said television appliance is associated with a cable modem, as taught by Wang, so as to allow broadband Internet access utilizing unused bandwidth on a cable television network.

As to claim 9, 31, 53,

Ching discloses: said selected program channel map information is communicated from the internet appliance to the television appliance [0129]

Wang discloses: via said cable modem [0011].

4. Claim(s) 18-19, 40-41 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Naiff (5982363), and in further view of Helmstetter (6792197).

As to claim 18, 40,

Ching in view of Naiff fails to specifically teach the action comprises setting a recording device to record said advertised program.

In an analogous art, Helmstetter discloses a system of selectable advertisements, which can be recorded (col. 7, line 59 to col. 8, line 9).

It would have been obvious to one of ordinary skill in the art to modify Ching's in view of Naiff system to teach the action comprises setting a recording device to record said advertised program, as taught by Helmstetter, so as to allow the user to view the program at a more convenient time.

As to claim 19, 41, Helmstetter discloses:

said recording device is one of a digital video recorder associated with said television appliance, a personal versatile recorder system integrated into said television appliance, or a video cassette recorder (col. 7, line 59 to col. 8, line9; col. 3, line 58 to col. 4, line 2).

5. Claim(s) 20, 42 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Naiff (5982363), and in further view of Barrett (20020170057).

As to claim 20, 42,

Ching in view of Naiff fails to specifically teach said television appliance and said internet appliance communicate via an RF link.

In an analogous art, Barrett discloses a television appliance and internet appliance communicating via an RF link (fig.1; [0044]).

It would have been obvious to one of ordinary skill in the art to modify Ching's in view of Naiff system to teach said television appliance and said internet appliance communicate via an RF link, as taught by Barrett, so as to allow wireless video and/or audio transmission.

6. Claim(s) 50 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Allport (6567984).

As to claim 50,

Ching fails to specifically teach the channel map information is provided from the television appliance to the internet appliance.

In an analogous art, Allport discloses an internet appliance (fig. 1, el. 10; col. 9, lines 20-65), wherein embedded data such as channel map information is provided from the television appliance to the internet appliance (col. 12, lines 9-43).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach channel map information being provided from the television appliance to the internet appliance, as taught by Allport, for applications where embedded data is to be separated from the signal.

7. Claim(s) 62-63 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Helmstetter (6792197).

As to claim 62,

Ching fails to specifically teach the internet appliance is coupled into a system that comprises a recording device and the recording device is set to record said advertised program in response to said tuning step.

Helmstetter discloses a system of selectable advertisements, which can be recorded (col. 7, line 59 to col. 8, line 9).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach the internet appliance is coupled into a system that comprises a recording device and the recording device is set to record said advertised program in response to said tuning step, so as to allow the user to view the program at a more convenient time.

As to claim 63, Helmstetter discloses:

said recording device is one of a digital video recorder associated with said television appliance, a personal versatile recorder system integrated into said television appliance, or a video cassette recorder (col. 7, line 59 to col. 8, line9; col. 3, line 58 to col. 4, line 2).

8. Claim(s) 64 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ching (20010003184), in view of Barrett (20020170057).

As to claim 64,

Ching fails to specifically teach said television appliance and said internet appliance communicate via an RF link.

In an analogous art, Barrett discloses a television appliance and internet appliance communicating via an RF link (fig.1; [0044]).

It would have been obvious to one of ordinary skill in the art to modify Ching's system to teach said television appliance and said internet appliance communicate via an RF link, as taught by Barrett, so as to allow wireless video and/or audio transmission.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim(s) 45-47, 51, 54-61, 65-66 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Ching (20010003184).

As to claim 45, Ching discloses:

An internet appliance for tuning a television appliance, comprising: a first network interface (fig. 10, el. 230, 220, 210) for receiving a program advertisement via a first network (fig. 10C, el. 230, 210; [0129]);

a second network interface (fig. 10, el. 230, 220, 210, 260) for receiving channel map information via a second network, which channel map information identifies a channel for a program advertised in said program advertisement (perform changing to a specific TV channel, tune to the desired channel and show, through a command or code [0128-0129]);

a display for displaying said program advertisement; a user interface for selecting said advertised program via interaction with said program advertisement (user clicks advertisement, TV tunes to show [0129]); and

a processor for generating a tune command for said selected advertised program (fig. 10C, el. 210; [0129]);

wherein said tune command is communicated to said television appliance from said internet appliance to cause said television appliance to tune to said channel (user clicks advertisement, TV tunes to show [0129]).

As to claim 46, Ching discloses:

said processor creates said tune command for said advertised program based on said channel map information (user clicks advertisement, TV tunes to show [0129]).

As to claim 47, Ching discloses:

Coupled into a system comprised of the television appliance and, wherein said television appliance comprises a television (fig. 10C; [0127-0129]).

As to claim 51, Ching discloses:

said first network comprises an external communication network (fig. 10, el. 230, 220, 210); and said second network (fig. 10, el. 230, 220, 210, 260) comprises a system operator network (fig. 10C; [0129]).

As to claim 54, Ching discloses:

said advertisement comprises a hypertext markup language (HTML) link ([0047-0050]; [0134]).

As to claim 55, Ching discloses:

said HTML link includes a channel identifier from said channel map corresponding to the program identified in said advertisement ([0128-0129]; [0047-0050]).

As to claim 56, Ching discloses:

said tune command comprises said channel identifier ([0128-0129]; [0047-0050]).

As to claim 57, Ching discloses:

said advertisement is provided to said internet appliance via the use of an internet protocol datagram ([0047-0050]; [0134]).

As to claim 58, Ching discloses:

said datagram is constructed using hyper text transfer protocol (HTTP) ([0047-0050]; [0134]).

As to claim 59, Ching discloses:

said advertisement appears on said internet appliance as a pop-up advertisement (fig. 10A-C; [0127]).

As to claim 60, Ching discloses:

said advertisement is targeted for display on a specific location on the internet appliance ([0127-0128-0129]).

As to claim 61, Ching discloses:

interactive web pages are displayed on said internet appliance which relate to said advertised program in response to tuning said television appliance to said channel ([0127-0128-0129]).

As to claim 65, Ching discloses:

said internet appliance comprises one of a wireless web pad, a personal computer, or a web-enabled personal digital assistant [0131].

As to claim 66, Ching discloses:

the program advertisement comprises a targeted advertisement directed to one of a specific viewer or group of viewers (demographics [0129]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SL

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600